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JONATHAN TANCINCO

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

JONATHAN TANCINCO,	)	<b>Case No.: 8:16-cv-21</b>
	)	
Plaintiff,	)	<b>COMPLAINT AND DEMAND FOR</b>
	)	<b>JURY TRIAL</b>
v.	)	<b>(Unlawful Debt Collection Practices)</b>
	)	
CASHCALL, INC.,	)	
	)	
Defendant.	)	

JONATHAN TANCINCO (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against CASHCALL, INC. (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.* (RFDCPA).

### **JURISDICTION AND VENUE**

3. Jurisdiction of this Court over Counts I of Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331, and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over the state claims contained herein.
4. Defendant conducts business in the State of California thereby establishing personal jurisdiction.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

### **PARTIES**

6. Plaintiff is a natural person residing in Anaheim, Oakland County, California.
7. Defendant is a business entity with a principal place of business in Anaheim, California.
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

9. In or around 2015, Defendant began constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
10. Plaintiff's alleged debt arose through a consumer credit transaction.
11. Defendant places collection calls from telephone numbers, including, but not limited to, 858-333-8530 and 844-302-2274.
12. Defendant places collection calls to Plaintiff's cellular telephone at phone number 949-701-12XX.
13. Based upon the timing and frequency of Defendant's calls and per its prior business practices, each of Defendant's calls were placed using an automatic telephone dialing system.
14. In or around 2015, Defendant began placing multiple daily collection calls to Plaintiff.
15. On or around September 23, 2015 at approximately 10:39 a.m., Plaintiff spoke to

1 Defendant's representative, "Amanda," and requested that Defendant cease placing  
2 collection calls.

3 16. Plaintiff revoked any consent, express, implied or otherwise, to receive automated  
4 collection calls from Defendant in the course of the telephone conversations on or around  
5 September 23, 2015.

6 17. Despite Plaintiff's repeated requests to cease, Defendant continued to place multiple  
7 collection calls to Plaintiff on a daily basis, including but not limited to at least one hundred  
8 eighty-seven (187) collection calls to Plaintiff's cellular telephone over an approximate  
9 three-month period.

10 **COUNT I**

11 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTIONS ACT**

12 18. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA,  
13 entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation  
14 pursuant to 47 U.S.C. § 227(b)(3)(B).

15 19. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or  
16 willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory  
17 damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C.  
18 § 227(b)(3)(C).

19 Wherefore, Plaintiff, JONATHAN TANCINCO, respectfully requests judgment be  
20 entered against Defendant, CASHCALL, INC. for the following:

21 20. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant  
22 to 47 U.S.C. § (b)(3)(B);

23 21. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the  
24 TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

25 22. All court costs, witness fees and other fees incurred; and

1 23. Any other relief that this Honorable Court deems appropriate.

2  
3 **COUNT II**  
4 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**  
5 **PRACTICES ACT**

6 24. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as  
7 the allegations in Count II of Plaintiff's Complaint.

8 25. Defendant violated the RFDCPA based on the following:

- 9 a. Defendant violated § 1788.11(d) of the RFDCPA by causing a telephone to ring  
10 repeatedly or continuously to annoy the person called;  
11 b. Defendant violated § 1788.11(e) of the RFDCPA by communicating with Plaintiff  
12 with such frequency as to be unreasonable and to constitute a harassment to  
13 Plaintiff.  
14 c. Defendant violated § 1788.17 of the RFDCPA by failing to comply with the Fair  
15 Debt Collection Practices, Act, 15 U.S.C. § 1692 *et seq.*, to wit:  
16 1. Defendant violated §1692d of the FDCPA by engaging in conduct the  
17 natural consequence of which is to harass, oppress, or abuse Plaintiff;  
18 2. Defendant violated §1692d(5) of the FDCPA by causing a telephone to  
19 ring repeatedly or continuously with intent to annoy, harass, or abuse  
20 Plaintiff.

21 WHEREFORE, Plaintiff, JONATHAN TANCINCO, respectfully requests judgment be  
22 entered against Defendant, CASHCALL, INC. for the following:

- 23 26. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection Practices  
24 Act, Cal. Civ. Code §1788.30(b),  
25 27. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection  
Practices Act, Cal. Civ Code § 1788.30(c), and

1 28. Any other relief that this Honorable Court deems appropriate.

2  
3 DATED: January 7, 2016

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

4  
5 By: /s/ Ryan Lee

6 Ryan Lee

7 Attorney for Plaintiff

8  
9 **DEMAND FOR JURY TRIAL**

10 PLEASE TAKE NOTICE that Plaintiff, JONATHAN TANCINCO, demands a jury trial  
11 in this case.